BILL NO. S-76-07- /8

SPECIAL ORDINANCE NO. S-6/-77.

AN ORDINANCE approving contracts with Consolidated Rail Corporation for the Board of Public Works.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contracts dated May 18, 1976, and June 18, 1976 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Consolidated Rail Corporation for:

Purchase Order No.	Services	Amount
3-32892	Billing #C31105010, Res. No. 5689-1975, Sherman Underpass Modification, Engineering & Inspection Charges Incurred by Penn Central Transportation Co.	\$ 2,664.62
3-32917	Payment No. 2 and Final Payment for Engineering & Inspection Incurred by the Consolidated Rail Corporation for the Sherman Street Underpass Modification, Res. No. 5689-75.	8,803.03

all as more particularly set forth in above-mentioned purchase orders which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

APPROVED AS TO FORM AND LEGALITY,

. Read the first time in full and on motion by, seconded by
Hugh, and duly adopted, read the second time by title and referred
to the Committee on
recommendation) and Public Hearing to be held after due legal notice, at the Council
Chambers, City-County Building, Fort Wayne, Indiana, on, the day
of , 1976, at o'clock P.M., E.S.T.
DATE: 7-13-76 Mully Utalismon
Read the third time in full and on motion by
seconded by Alauis, and duly adopted, placed on its passage.
PASSED (LOST) by the following vote:
AYES NAYS ABSTAINED ABSENT TO-WIT:
TOTAL VOTES 3
BURNS
HINGA A
HUNTER
MOSES A
NUCKOLS
SCHMIDT, D.
SCHIMDT, V. A
STIER
TALARICO
DATE: 3-8-7) Charles W. Westerman M. E.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)
ORDINANCE (RESOLUTION) No. 8-6/-77 on the Sta day of Saud, 19%.
Charles W. Westermann, John Muchols
Charles W. Utestermany & John Michels CITY CLERK PRESIDING OFFICER
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
day of, 1978, at the your of 2' o'clockM.,E.S.T.
Chilles W. Westerman Jr. &
Approved and signed by me this $9^{\pm h}$ day of $3^{\pm h}$, 1976,
at the hour of 2/00 o'clock M.E.S.T.
- Valor Winstrong



DILL					
		REPORT OF THE CO.	mmittee on	PUBLIC WORKS	
We,	your Committee on	PUBLIC WORKS	to who	m was referred an O	rdinance
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	Public Works				0
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Cour	ncil that said Ordinar	ice <u>Vs</u> PA	ASS.		
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	DONALD J. SCHMIDT			2) Silmich)
	VIVIAN G. SCHMIDT		_ /_) 10/1	ž
	PAUL M. BURNS		_(w Shan	m
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S-76-07-18

(Preferred)

told - Have Blog was deduct the auchor and con-Rail from what they once the city in back targer.

PUBLIC WORKS

HOLD VUTIL HEARN FOR JUDGE

S-76-07-18

We, your Committee on	Publi	c Works		to whom was	referred an Ordinance
approving contract	s with	Consolidated	Rail	Corporation	for the Board
of Public Works	•				
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have had said Ordinance u	nder c	onsideration	and 1	beg leave to	report back to the Common
Council that said Ordinar	ce	P/	ASS.		
Winfield C. Moses, Jr	Ch	airman			
Donald J. Schmidt - V	ice-Ch	airman			
Vivian G. Schmidt					
Paul M. Burns					*
William T. Hinga					

FORM DP-1 APPROVED BY THE STATE BOARD OF ACCOUNTS FOR THE CITY OF FORT WAYNE 1965.

CITY OF FORT WAYNE

DEPARTMENT OF PURCHASES NUMBER ONE EAST MAIN STREET **ROOM 470** FORT WAYNE, INDIANA 46802

MAIL ALL CORRESPONDENCE, CLAIM VOUCHERS ETC. TO:

Board Of Works 9th Floor, City-County Bldg. Ft. Wayne, Indiana 46802

Consolidated Rail Corporation

DELIVER TO:-DEPARTMENT DR DIVISION

ADDRESS____TERMS

% IF PAID WITHIN ACCEPTANCE OF GOODS OR PERFORMANCE OF SERVICES. (DEDUCTION FOR DISCOUNT SHOWN BELOW) PURCHASE ORDER NUMBER

3 - 32917

DATE June 18, 1976

REF. NO. REO NO

THE ABOVE INFORMATION MUST APPEAR ON ALL INVOICES, BILLS OF LADING, DELIVERY TICKETS, PACKAGES AND CORRESPONDENCE. INVOICE IN DUPLICATE.

2 450

THIS PURCHASE DROER ISSUED BY:

B/W

DATE MANTED

PPROPRIATION AND THUD 30-663-265 NUMBER

UNIT QUANTITY MATERIALS, SUPPLIES OR SERVICES AMOUNT 110417 TAX EXEMPT (UNLESS OTHERWISE INDICATED) COMPLIANCE WITH THE OELIVERY OATE REQUESTED WILL A-VOID "FOLLOW UP" CORRESPONDENCE. Payment #2 And Final Payment For Engineering and Inspection Incurred by The Consolidated NOTE Rail Corporation for the Sherman Street READ INSTRUCTIONS ON THE BACK OF THIS Underpass Modification, Res. # 5689-75. ORDER THE CONTRACTOR OR VENOOR, BY ACCEPT-ING THIS ORDER, A-GREES TO THE GENERAL CONDITIONS AND TERMS OF AGREEMENT ON THE BACK OF THIS ORDER. Billing #C3/056025... \$8,803.03 (SUBJECT TO COUNCILMANIC APPROVAL) UNLESS OTHERWISE NOICATED THE PRICES SHOWN INCLUDE ALL CHARGES FOR OELLY ERY, PACKING, ETC., NECESSARY TO COM-PLETE OELLYERY TO OESTINATION SPECI-FIEO. UNLESS OTHERWISE INDICATED THE PRICES SHOWN OD NOT INCLUDE TAXES OF ANY KIND. EXEMPTION BLANKS WILL BE FURNISHED WHEN NECESSARY. INO. SALES TAX EXEMP. CERTIF. NO. 34508 CONFIRMED HPW/dlw IF THIS ORDER DOES XXXXXXXXXXXXXXXXXXX NOT AGREE WITH YOUR QUOTATION KINDLY RETURN IT WITH AN EXPLANATION.

ERED BY UNENCUMBERED BALANCES IN THE ABOVE FUNDS AND THAT THE EXPENDITURE THEREFOR HAS BEEN DULY AUTHORIZED AND APPROPRIATED.

I HEREBY CERTIFY THAT THE COST OF THE ABOVE PURCHASE IS FULLY COV-

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT THIS ORDER IS AUTHORIZED BY A PROPERLY EXECUTED AND APPROVED REQUISITION ON FILE IN THIS DEFICE.

Per

FORM DP-3 APPROVED BY THE STATE BOARD OF ACCOUNTS FOR THE CITY OF FURT WARNS 1985.

CITY OF FORT WAYNE

DEPARTMENT OF PURCHASES NUMBER ONE EAST MAIN STREET **ROOM 470**

FORT WAYNE, INDIANA 46802 MAIL ALL CORRESPONDENCE, CLAIM VOUCHERS ETC. TO:

Board Of Works 9th Floor, City-Couty Bldg. Ft. Wayne, In. 46302

Penn Central Transportation Co., Inc. P.O. Box 8500, S-1530

Philadelphia, Pa. 19178

DEPARTMENT ADDDESC

DELIVER TO:-

CASH DISCOUNT TERMS % IF DAID WITHIN DAYS FROM OFLIVERY AND ACCEPTANCE OF GOODS OR PERFORMANCE OF SERVICES. (DEGUCTION FOR DISCOUNT SHOWN BELOW)

PURCHASE ORDER NUMBER

3-32892

DATE May 18, 1976

REF. NO.

REO NO

DATE

WANTED

THE ABOVE INFORMATION MUST APPEAR ON ALL INVOICES, BILLS OF LADING, DELIVERY TICKETS, PACKAGES AND CORRESPONDENCE. INVOICE IN DUPLICATE.

THIS PURCHASE ORDER ISSUED BY:

DEPT B/W

APPROPRIATION) AND FUND 30-663-265 NUMBER

DROERED UNIT AMOUNT UNIT MATERIALS, SUPPLIES OR SERVICES TAX EXEMPT (UNLESS OTHERWISE INDICATED) CDMPLIANCE WITH THE DELIVERY DATE REQUESTED WILL A-VOID "FDLLDW UP" CDRRESPONDENCE. Billing # C31105010 - Res. # 5689-1975 -Sherman Underpass Modification - Engineering NOTE 1 and Inspection Charges Incurred By Penn Central READ INSTRUCTIONS ON THE BACK OF THIS Transportation Co. With Respect To The Above ORDER THE CONTRACTOR DR VENDOR, BY ACCEPT-ING THIS ORDER, A-GREES TO THE GEN-ERAL CONDITIONS AND Project.... \$2,664.62 TERMS OF AGREEMENT ON THE BACK OF THIS ORDER. UNLESS DTHERWISE MOICATED THE PRICES SHOWN INCLUDE ALL CHARGES FOR DELIV-ERY, PACKING, ETC., NECESSARY TO COM-PLETE DELIVERY TO DESTINATION SPECI-FIED. UNLESS OTHERWISE INDICATED THE PRICES SHOWN DO NOT INCLUDE TAXES OF ANY KIND. EXEMPTION BLANKS WILL BE FURNISHED WHEN NECESSARY. IND. SALES TAX EXEMP. CERTIF. NO. 34508 CONFERMED HPW/dlw IF THIS DRDER DOES NOT AGREE WITH YOUR OUDTATION KINDLY RETURN IT WITH AN EXPLANATION. XXXXXXXXXXXXXXXXXXXXX

DATE RECEIVED

QUANTITIES CHECKED BY

INVOICE OR CLAIM PRICES & EXTENSION CHECKED BY_

STATE OF INDIANA

ORIGINAL

PUBLIC SERVICE COMMISSION OF INDIANA

DOCKET NO. 34095

PETITION FOR THE OPENING AND INSTALLATION OF A PUBLIC GRADE CROSSING FOR SHERMAN STREET (INDIANA STATE HIGHWAY 30 & 33) IN THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA LOCATED ON THE RIGHT-OF-WAY OF THE PENN CENTRAL TRANSPORTATION COMPANY, THE SAME BEING APPROXIMATELY MILE POST MINUS 1.52.

APPROVED: JUL 2 1975

APPEARANCES:

For the City of Fort Wayne, Indiana:

John R. Fleck Attorney at Law 825 Anthony Wayne Bldg. Ft. Wayne, Indiana 46802

For the Penn Central Transportation Company:

Edward R. Gustafson 516 West Jackson Street Chicago, Illinois 60606

For the Public:

Ronald Dyer Asst. Public Counselor 807 State Office Bldg. Indianapolis, Indiana 46204

BY THE COMMISSION:
By: Robert W. York, Hearing Examiner

This cause commenced by petition of the City of Ft. Wayne, filed with the Commission on May 9, 1975, seeking authority for the opening and installation of a public grade crossing at the intersection of Sherman Street and the right-of-way of the Penn Central Transportation Company in Ft. Wayne, Indiana, and for the removal of a grade separation at said location.

Pursuant to notice duly published as required by law, the cause was set for hearing and heard in full on June 20, 1975, with appearances as above noted.

The following exhibits were admitted into evidence on behalf of the Petitioner without objection:

Petitioner's Exhibit #1

Resolution of the Board of Public Works of the City of Ft. Wayne approving the proposed project.

Petitioner's Exhibit #2

Letters from citizens group supporting the proposed project.

Petitioner's Exhibit #3

Map of the City of Ft. Wayne, Indiana.

Petitioner's Exhibit #4-#13 and Exhibits #20-#29 Photographs of the subject area, including trackage, approaches to the underpass, flooding conditions of

the underpass, icing conditions of the underpass and state of dis-repair of track and ties in the subject area.

Petitioner's Exhibit #36

Traffic flow diagram and accident reports for subject area and for Wells Street.

The following exhibits were admitted into evidence on behalf of the Petitioner over objection of the Respondent, said objection based solely on relevancy:

Petitioner's Exhibit #14 Photograph of Gass Street crossing. Petitioner's Exhibit #15 Photograph of Forth Street crossing. Petitioner's Exhibit #16 Photograph of St. Marys Street crossing. Petitioner's Exhibit #17 Photograph of Wells Street crossing. Petitioner's Exhibit #18 Photograph of Wells Street crossing. Petitioner's Exhibit #19 Photograph of Jacobs Street crossing. Petitioner's Exhibit #31-#35 Photograph of the under structure of the subject grade separation structure.

The following witnesses appeared and testified on behalf of the Petitioner:

Philip R. Boller

Civil Engineer for the City of Ft. Wayne, Indiana.

Dennis L. Bruce

Traffic Engineer for the City of Ft. Wayne, Indiana.

Testimony of the Petitioner's witnesses may be summarized as follows:

Sherman Street is an all-weather hard surface, two lane, two way street, located on the northwest side of the City of Ft. Wayne, traversing a general north-south direction. Sherman Street intersects the right-of-way of the Penn Central Transportation Company between High Street and Burgess Street. Said intersection consists of a grade separation constructed by the Indiana State Highway Commission in 1942. The St. Marys River is located approximately 1,000 feet away to the east and to the south of the intersection. The lowest level of the subject underpass is six inches to one foot below the dry weather level of said river. This condition coupled with the highly porous soil conditions of the area and the general drainage flow of the area results in the flooding of the subject underpass from two times to fourteen times a year, such that vehicle passage is impossible. The testimony further revealed there was a seemingly constancy of water and icing conditions

in the immediate area of the underpass. Approximately 13,412 motor vehicles traverse the underpass each day, with an average of two trains per day traversing the overpass. The testimony further revealed that the overpass structure was seemingly sound but that water seeped through the walls and collected at the base of the overpass. There are presently six grade crossings on the same subject spur track in the immediate area, with the Wells Street crossing being the next crossing immediately to the east of the subject crossing. Although approximately 11,500 vehicles traverse the Wells Street crossing each day there has only been one accident at said crossing since 1970 and said accident was between two vehicles. Conversely, there have been more than 25 vehicle accidents at the subject area in the same time period.

The City of Ft. Wayne presently attempts to keep water from out of the underpass by utilizing a lift station immediately adjacent to the said underpass but that said lift station is unable to adquately keep water out of the subject area. It was further revealed that the pumps at said lifting station have an off-on cycle of 30 minutes even in the driest of weather.

Mr. Boller testified that there were five methods which the City of Ft. Wayne could utilize to keep the subject underpass dry;

- Installation of new under drains, replacement of pavement, build a new lifting system with larger pumps. This method had a projected cost of \$520,000.00 including \$140,000.00 for twenty years of maintenance.
- Construction of an overhead vehicular traffic structure.
 This had a cost of approximately \$3,000,000.00.
- Raise the railroad overpass and the level of Sherman Street each seven feet to eliminate the existing dip. This had a cost of 3,9 million dollars.
- Install new under drains replace pavement and replace old pumps. This had a cost of \$439,000.00.
- Eliminate the present grade separation and construct a grade crossing by lowering the track seven feet and raising the street level seven feet. This had an estimated cost of \$378,638.30.

Mr. Boller testified that in his opinion any system which relied upon a pumping system would be inadquate because such a system would merely circulate the water between the subject underpass and the nearby river at a continual energy cost (approximately \$10,000.00 for a 20 year period), he thus concluded in his professional opinion that the grade crossing project would be the best solution to the problem.

The Respondent, Penn Central Transportation Company called the following witness to offer evidence on its behalf:

Winford Addison

Senior Civil Engineer for the Penn Central Transportation Co.

Mr. Addison testified that he had attempted to obtain an agreement with the City of Ft. Wayne pertaining to the cost of construction, cost of maintenance and indemnity of the railroad for potential accidents. He further testified that there were approximately two trains per day with an average of 15 to 20 cars travelling at a maximum speed of 10 MPH.

Said Respondent offered no testimony as to the best solution to the proposed flooding problem.

No individual, governing entity or other business appeared in opposition to the proposed grade crossing.

The Commission having review and examined the evidence presented in this matter and being duly advised in the premises, now finds as follows:

- l. That the Penn Central Transportation Company is a common carrier by rail doing interstate and intrastate business within the State of Indiana.
- 2. That based upon the notices of publication duly made a part of the record in this proceeding, the appearances entered at the hearing of this matter and upon the evidence received and made a part of the record herein the Commission has jurisdiction of the subject matter of this Petition and the parties hereto.
- 3. That due to the numerous traffic accidents which have occurred at the present intersection of Sherman Street and the Penn Central Transportation Company right-of-way at the City of Ft. Wayne, Indiana and existant and inherent problems due to the recurrent flooding of said underpass, and becuase Sherman Street is the primary artery for emergency service centers including St. Joseph Hospital, said existing underpass intersection poses a serious hazardous to the general health and welfare of the public.
- 4. That construction of an overheard vehicle structure or raising the grade of both the railroad and the street at the intersection would ameliorate the underpass flooding condition, but would be economically unfeasible. And that since the level of the underpass is below the level of the adjacent St. Marys River and that since the porous condition of the soil in the area allows said rivers water to flow into said underpass, reconstructing or rehabilitating the existing water pumping system would not definitely eliminate the existing condition.
- 5. That the proposal of the petitioner City of Ft. Wayne, to raise the level of Sherman Street to grade with the right of way of the Penn Central Transportation Company would eliminate the present flooding situation without the constant utilization of electric or other energy.
- That removal of subject grade separation and creating of the proposed grade crossing would constitute a less hazardous condition than that now facing the travelling public.

- 7. That the surface of the proposed crossing shall be constructed of rubber and said crossing shall be protected by automatic train activated warning devices as well as active advance warning signs and that said warning devices and signs should be installed prior to public utilization of said proposed crossing.
- 8. That the City of Ft. Wayne should bear the entire cost of construction of the proposed crossing project, that the Penn Central Transportation Company shall bear the entire cost of future maintenance of the proposed crossing surface, and that the City of Ft. Wayne and the Penn Central Transportation Company shall equally bear the cost of maintenance of the heretofore ordered warning signals.
- 9. That installation of the proposed project as submitted includes the installation of approximately 1,000 feet of new track ties and road bed such that Penn Central Transportation Company will receive some, but presently not ascertained, benefit.
- 10. That since the establishment of the proposed grade crossing would increase the Penn Central Transportation Company's exposure to liability, the City of Ft. Wayne, Indiana has agreed to indemnify said railroad from liability occasioned by the proposed grade crossing

IT IS THEREFORE ORDERED BY THE PUBLIC SERVICE COMMISSION OF INDIANA that the Petition of the City of Ft. Wayne, Indiana for the establishment of a grade crossing at the intersection of Sherman Street and the right-of-way of the Penn Central Transportation Company and the elimination of the present grade separation at said location is hereby granted and the City of Ft. Wayne is hereby authorized to commence construction in accordance with the specifications of the proposed project and the findings of the Indiana Public Service Commission heretofore set forth.

IT IS FURTHER ORDERED that said crossing surface shall be composed of rubber that the Penn Central Transportation Company install automatic train activated warning signals at the subject crossing, that the City of Ft. Wayne shall install active advance warning signs at the subject crossing and that all warning signals and devices shall be operating prior to public utilization of said crossing.

IT IS FURTHER ORDERED that the City of Ft. Wayne, Indiana shall bear the entire cost of construction of subject crossing and warning signals and devices, that the Penn Central Transportation Company shall bear the entire cost of maintaining the crossing surface of the subject crossing, and that the City of Ft. Wayne and the Penn Central Transportation Company shall equally bear the cost of maintenance of the warning signals heretofore ordered.

 $\,$ IT $\overline{\mbox{IS}}$ FURTHER ORDERED that this order shall become effective on and after the date of its approval.

IT IS FURTHER ORDERED that the Petitioner shall pay at this time into the Treasury of the State of Indiana, through the Secretary of this Commission the following itemized charges in the sum of \$120.00, as well as any additional costs which may be incurred in connection with this cause:

Legal Advertising Reporting Charges 41.00 58.50

TOTAL CHARGES \$120.00

WALLACE, POWERS AND PLASKETT CONCUR:

APPROVED:

JUL 2 1975

I hereby certify that the above is a true and correct copy of the order as approved.

Mas W. Tucker

Memorandum

To Henry P. Wehrenberg, Chairman, Board of Works Date June 11, 1976

From Phil Boller, Chief, W.P.C. Engineering

Subject Sherman Street Underpass Modification, Res. 5689-1975, B.O. 56-74

COPIES TO:

Attached for you approval and payment is partial billing #2 and final billing from Penn-Central Transportation Company in the amount \$8,803.03. This represents their engineering and inspection charges incurred for subject improvement. With this payment, the total paid to Consoldated Rail, Inc. will be \$11,467.65.

To make this payment the monies should be drawn from sewer relief funds.

Mark A. Mallar Philip R. Boller, Chief Water Pollution Control Engineer

PRB/smd

Hanny P. Welson

JUN 1 5 1976

63-162-17

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ACCOUNTS RECEIVABLE

MONTH'S ACCT. FILL NO. PLW 5/27/76 8,803.03 C3/056025 Hay 76 AGREEMENT/ 190392** FED 10ENT 23-1989084

42332 Formarly 57535 FORT WAYNE BOARD OF PUBLIC WORKS

City-County Bldg One Main St.

CUSTOMER NUMBER:

Fort Wayne, Ind. 46802 ATTH: Dr. J D Boswell, Chairman

MAKE CHECKS PAYABLE TO CONSOLIDATED RAIL CORPORATION

AND MAIL TO P.O. BOX 8500 S-2350 PHILADELPHIA, PA. 19178

TO THE CONSOLIDATED RAIL CORPORATION,

C3/056025 BILL NO. FACILITY NO.

For further information concerning this bill, please refer to Non-Revenue Billing Department, Room 502 30th St. Station, Philadelphia, Pa. 19104. This bill is issued by Consolidated Rail Corporation on behalf of the estate/trustees of Penn Central Trans. Co.

Agreement: Docket #34095 dtd 7/2/75

Service: August 1975 - March 1976

Fort Wayne Ind - Remove Sherman St undergrade bridge # 0.59 lower track and install grade crossing with automatic protection.

The records supporting the charges in this bill are located in the Office of the State Participation Billing Mgr, Room 528, 30th Street Station, Philadelphia, Pa.

PARTIAL 2 & FINAL

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	8,803.03

NOTE: All charges listed below are from billing supporting detail unless marked omited or added. Omitted charges are on attached work sheets.

Summary of charges

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Labor (Omitted) Engineering Dapt. Additive Total June 1974	18.10 8.33	26.43
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July 1974 (Omitted)

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Engineering Dept. Additive Total July 1974	90.52 41.62	132.14

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Aug 11 1975

ACCOUNTS RECEIVABLE CLERK DATE WILL ASSOURCE MONTH'S ACC'S. BULL NO. PLW 5/27/76 C3/056025 8,803.03 Hay 76 lis AGREEMENT/ STOMER NUMBER: FORT WAYNE BOARD OF PUBLIC WORKS MAKE CHECKS PAYABLE TO CONSOLIDATED RAIL CORPORATION Page 2 AND MAIL TO P.O. BOX 8500 S-2350 PHILADELPHIA, PA. 19178 C3/056025 TO THE CONSOLIDATED RAIL CORPORATION. BILL NO. FACILITY NO. For further information concerning this bill, please refer to Non-Revenue Billing Department, Room 502 30th St. Station, Philadelphia, Pa. 19104. Labor (Omitted) 89,61 Engineering Dept. Additive 40.83 130.44 Total April 1975 May 1975 Labor (Omitted) Engineering Dept. 159.30 Additives 72.57 231.87 Total May 1975 June 1975 Labor (Omitted) 390.14 Engineering Dept. 177.88 568,02 Additive Retroactive Wage Adjustment (Added) Rate of increase - Non agreement 1/1/75 10% applied 6/18/75
Engineering - Non agreement Bill C3/ 105010 June 1975 41 hr 181.03 18.10 PPM 30-3 8.09 26.19 594,21 Total Labor Travel and Business Exp. (Added) 159.09 Engineering 753.30 Total June 1975 July 1975 Labor Engineering Dept. 116.51 53.27 169.78 Additive (Omitted) 99.55 Engineering Dept. 144.90 45.35 Additive 434.17 Track Dept. 200.38 634.55 Additive (Omitted) 86.28 Track Dept. Additive 39.93 126,21 1.075.44 Total Labor Travel & Business Expenses (Added) 152,62 Engineering Dept.

ACCOUNTS RECEIVAGE MONTH'S ACCT. DATE MADE AMOUNT HILL NO. Hay 76 lis PLW 5/27/76 8,803,03 03/056025 DEPT. DIVISION CONTRACT NO. CLOMER NUMBER FORT WAYRE BOARD OF PUBLIC WORKS MAKE CHECKS PAYABLE TO CONSOLIDATED RAIL CORPORATION Page 3 AND MAIL TO P.O. BOX 8500 S-2350 PHILADELPHIA, PA. 19178 BILL NO. TO THE CONSOLIDATED RAIL CORPORATION, FACILITY NO. For further information concerning this bill, please refer to Non-Revenue Billing Department, Room 502 30th St. Station, Philadelphia, Pa. 19104. Equipment Rental (Omitted) Track Dept. 110.00 Total July 1975 1.338.06 August 1975 Labor Engineering Dept. 310.49 Additive 142.02 Total Labor 452,51 Travel and Business Expense Comm and Signal Dept. 8,90 Equipment Rental (Cmitted) 6.00 Engineering Dept. Total August 1975 467.41 September 1975 Labor Engineering Dept. 31.71 Additive 46.22 14.51 Enginehouse Dapt. 91.84 Additive 42.41 134.25 Comm and Signal Dept. 1,565.46 Additive 721.89 2,287.35 48,80 Accounting Dept.

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ACCOUNTS RECEIVABLE MONTH'S ACCT. AMOUNT BILL NO. 5/27/75 8,803.03 C3/056025 May 76 ljs PLU DEPT. AGREEMENT/ DIVISION WO MER NUMBER MAKE CHECKS PAYABLE TO CONSOLIDATED RAIL CORPORATION FORT MAYRE DOARD OF PUBLIC WORKS AND MAIL TO Page 4 P.O. BOX 8500 S-2350 PHILADELPHIA, PA. 19178 C3/056025 TO THE CONSOLIDATED RAIL CORPORATION, BILL NO. FACILITY NO. For further information concerning this bill, please refer to Non-Revenue Billing Department, Room 502 30th St. Station, Philadelphia, Pa. 19104. October 1975 Labor 64.67 Engineering Dapt. Additive 29.50 94.17 Enginehouse Dept. 22,96 33.56 Addi ti ve 10.60 Comm and Signal Dept. 60.85 27,88 88.73 Additive (Omitted) Comm and Signal Dept. 262.92 Additive 120.93 383,85 Accounting Dept. 9.51 4.37 13.88 Additive

Travel and Business expense
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MONTH'S ACCT. ACCOUNTS RECEIVABLE EILL NO. IATE MADE 03/056025 5/27/76 8,803.03 PLU TOEPT. STOMER NUMBER MAKE CHECKS PAYABLE TO FORT WAYNE BOARD OF PUBLIC WORKS CONSOLIDATED RAIL CORFORATION AND MAIL TO Page 5 P.O. BOX 8500 S-2350 PHILADELPHIA, PA. 19178 TO THE CONSOLIDATED RAIL CORPORATION, BILL NO. C3/056025 FACILITY NO. For further information concerning this bill, please refer to Non-Revenue Billing Department, Room 502 30th St. Station, Philadelphia, Pa. 19104. January 1976 Travel and Business Expense 22,56 Comm and Signal Dept. Material (Added) Comm and Signal Dept. (M4153 B #600-303) 185 ft cable 4 cond #9 675 ft cable 1 Cond # 6 35 ft cable 5 cond # 9 54.21 92.48 13.83 2 ea pier inst case 79.64 63.57 1 ea box battery Jr. 100.06 1 ea Box battery 2.33 4 ea stranpin 4.46 20 ft stran ins 8.07 2 ea equalizer 150 ft cable 1 Cond #10 23.10 3,50 50 ft cable 1 Cond # 16 50 ft terminal Amp # 10 3.45 1.38 20 ea terminal Amp #16 (HM153-B # 600-304) 105.87 2 ea foundation S-1 20.49 26 ea bond rail l ea relay GR7 400 ohm lea relay 6 pt 1 0hm l ea relay DN 22P 125 ohm l ea trans former W 10 125.82 47.00 100.00 99.89 61.55 1 ea rectifier 1.57 2 ea clamp ground rod 11.99 2 ea rod ground 16.75 1 ea swich disconnect 12.81 3 ea arrestor lightning 5 ea resistance unit 5 ohm 24.34 4.77 1 ea resistance Unit 22 ohm (MM 1538 # 600-305) 16 ea link Ins test 4.54 32.68 5 ea block mult term 512.07 1 ea case alum. (MM 153-B 600-306) 1 ST Cells ED (20) 2 cell tray) 1 ST Cells ED 240 4 cell tray 101.86

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1 ST Cells ED 240 5 cell tray

(MM 153-B # 600-307)

ACCOUNTS RECEIVABLE BILL NO 5/27/76 PLW 8,803.03 C3/056025 Hay 76 ljs TOMER NUMBER DIVISION AGREEMENT/ FORT WAYNE BOARD OF PUBLIC WORKS MAKE CHECKS PAYABLE TO Page 6 CONSOLIDATED RAIL CORPORATION. AND MAIL TO P.O. BOX 8500 S-2350 PHILADELPHIA, PA. 19178 TO THE CONSOLIDATED RAIL CORPORATION. BILL NO. C3/056025 FACILITY NO. For further information concerning this bill, please refer to Non-Revenue Billing Department, Room 502 30th St. Station, Philadelphia, Pa. 19104. 2 ea signal alum flasher complete 830.13 3,325,90 Plus 5% Handling 166.30 . Total Material 3,492.20 Total January 1976 3,514.76 March 1976 Labor Accounting Dept. 257.42 Additive 121.22 Total March 1976 378.64 11,467.65 Total charges 2,664.62 Less Partial # 1 C3/105010 TOTAL OF BILL 8,803,03 Summary of Charges A/P Labor Material T&B Equip 2,022.67 469.67 18.00 Engineering 167.81 Enginehouse Dapt. 760.76 110.00 Track Comm and Signal 3,103.93 3,492.20 450.00 408.80 463.81 Accounting 6.518.98 3,492,20 919.67 536,80 Department Totals 2,510.34 Engineering Totals Enginehouse 167.81 870.76 Track Comm and Signal 7,454.93 463.81 Accounting 11,467.65

BONDON SENTENCES

LABOR CHARGES GMITTED FROM THE RUNS

BILL # <u>C3/16</u>	05010	ACCTNG. MO	JUNE '75	DEP	r. & RESP.	ENGR	50010	W.O.#	42332
EMPLOYEE #	DATE	OCCUPATION Le Cuir.	RATE	S/T	AMOUNT	<u>0/T</u>	AMOUNT		TOTAL AMOUNT
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LABOR CHARGES OMITTED FROM THE RUNS

BILL # <u>@3//</u>	05010 ACCTNG. MO.	Jucy '75	DEPT. & RESP. #	ENGR. 50010	W.O.#
EMPLOYEE #	DATE OCCUPATION	RATE	S/T AMOUNT	O/T AMOUNT	TOTAL AMOUNT
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LABOR CHARGES OMITTED FROM THE RUNS

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EMPLOYEE # 1976	OCCUPATION	RATE	S/T	AMOUNT	<u>0/T</u>	AMOUNT		TOTAL AMOUNT	
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BILL #	ACCING. MO. J	VL '75	_ DEPT. & RE	ESP.# TRACK	56323	WORK ORE	ER # <u>42332</u>	
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EQUIPMENT CHARGES OMITTED FROM THE RUN

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PENN CENTRAL TRANSPORTATION COMPANY
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EQUIPMENT CHARGES OMITTED FROM THE RUN

BILL #	ACCTNG. MO. SZ	17:25	DEPT. & RE	ESP.# 500/0	ENGR	WORK ORD	ER # 42332	
SERIAL #	TYPE	DAYS USED	RATE	AMOUNT	HOURS	RATE	AMOUNT	TOTAL AMOUNT
	Auto			-	_4_	1.50	6.00	6.00
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SERIAL #	TYPE	DAYS USED	RATE	AHOUNT	HOURS USED	RATE	AMOUNT	TOTAL AMOUNT
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0ATE E4P VO 10/15/75 933558 10/21/75 096676	r 15 nv 1077-66	PURPOSE ACCOUNT & DESCR AJ 3203 ADMIN PRSNL OTHER O 3203 ADMIN PESNL OTHER O	ST AHT ST HRS 3-10 -5 6-41 1-0	PR ANT OT HRS .00 .0 .00 .0 LABOR ADDITIVE	TOTAL AMCUNT 3-13 6-41 9-31 4-7 13-05
	a la caracteristic de la c			TOTAL DEPT	13.04
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5 - 75 5 40 400	OCCUPATION PATE	PURPOSE ACCOUNT & DESCR AJ 2972 STATION FOUL RPRS 3	ST AMT ST HRS 22.95 4.0	PR ANT OT HRS .00 .0 LABOR ADDITIVE TOTAL OTE LABOR	22.°5 10.60
				TOTAL DEPT	33.56
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-	TRAIN & ENGINE				and promote a control of the control
04 TE EMP NO 10/10/75 445034 10/14/75 635305	FMGR/1NSP 1819-13	3523 FIELD INSPECTORS 0	31.37 3.0	PR AMT CT HRS .00 .0 .00 .0 LABGR ACCITIVE	TCTAL AMCURI 31.37 20.30 64.67 20.50
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PARTMENT COPY & SISMAL LIPSUR — JIHER THAP TRAIN & ENGINE JIE & AND NO & CCCUPATION RATE FURPOSE ACCOUNTS DESCR AS STANT STIRS PROMISED ON CARP OF C			IFO FORT									
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DATE EMP NO CCCUPATION RATE PURPOSE ACCOUNT C PESCR AJ ST ANT ST HRS PR ANT CT HRS TCTAL /SCUMI	PARTMENT	COM4 & \$13	NAL									
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TOTAL PROJECT ACT C 2-7 NJ DIAGFT SER MO FUFPOSE ACCOUNT G DESCR AJ TOTAL AFOUNT 1/2/2/1/D 5/2/8/2 597350 50 5413 ACIM FRSML EXPMSE 0 1/4/4 1								8.0	100V	P TIVE	60.69 60.85 27.83	
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LABOR CHARGES OMITTED FROM THE RUNS

BILL #	ACCING. MO	Oct. 75	DEP	T. & RESP. #	CYS	57341	W.O.#	42322	
EMPLOYEE # DigT 5	OCCUPATION	RATE	S/T	AMOUNT	<u>0/T</u>	AMOUNT		TOTAL AMOUNT	
632852 10/9	Noveman	1319.59	10	71.72				21.72	
688975 10/9	Lylnn	6.660	10	66.60		Cyca-one-on-one		66.60	
653541 10/9° 253253 10/9		6.660	10	6660				66.60	
253253 10/9	Lylm	5.800	10	58.00		(Productive and Assessment)		58.00	
SATTING CONTRACTOR AND ADDRESS.		-							
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EQUIPMENT CHARGES OMITTED FROM THE RUN

BILL #	ACCING. MO. (Der. 15	_ DEPT. & R	ESP.# ENGR	50010	WORK ORD	er# <u> 42332</u>	,
SERIAL #	TYPE	DA YS USED	RATE	AMOUNT	HOURS USED	RATE	AMOUNT	TOTAL AMOUNT
C-577/	aulo	-	descriptions.		_4	1.50	6.00	6.00
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EQUIPMENT CHARGES OMITTED FROM THE RUN

BILL #	ACCTNG. MO	Oct 75	DEPT. & RE	ESP.# CYS	57341	WORK ORD	ER # 42332	-
SERIAL #	TYPE	DA YS USED	RATE	AMOUNT	HOURS	RATE	AMOUNT	TOTAL AMOUNT
13-3597	Station Wagon		10.00	10.00	-			10.00
N-8018	Station Nazon Druck		41.00	41.00	-			41.00
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			/					57.00

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	PROJECT- NVO - 42332 LITU FURT WAYNE			
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EQUIPMENT CHARGES OMITTED FROM THE RUN

BILL #	ACCING. MO.	EC. 76	_ DEPT. & RI	esp.# Crs	57341	WORK ORE	DER # 42332	•
F- 4286 F- 1403	TYPE Van		RATE (1,00	ANOUNT //.00 /8.00	HOURS USED 4	7.65 2.70	AMOUNT 6.6.0 16.20	17.60 34.20
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51.80

PENN CENTRAL TRANSPORTATION COMPANY PASS-31 Pass --SEPURI 144245-1 - DATE 02/15/76 TIME 112446 BILLING SUPPORTING DETAIL PROGRAM - 154.4 JANUARY 1976 . PERIOD COVERED ENDIFORT WITH - 42332 IND FORT WAYNE SUPPLIETURE COMM. & SIGNAL TRAVEL & BUSINESS EXPENSES PURPOSE ACCOUNT & DESCR AJ TOTAL ALLOW DRAFT# SER MO 243.55 EMP NO 260 31/00/76 699489 658020 50 -5413 KEIM PRSAL EXPNSE O . TOTAL TES EXP . TOTAL DEPT and the second s ICTAL PROJECT

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BILL #		ACCTNG. MO	MARCH	76 DEP	. & RESP. #	Hec. 76 03394	W.O.#	42332
EMPLOYEE #	DATE	OCCUPATION	RATE	S/T	AMOUNT	O/T AMOUNT		TOTAL AMOUNT
03394	3/24	Clerk	6.525	6	39.15			39.15
	,		***************************************	8	52.20	Printed Printed Printed		5220
			-	8	52.20	and the second second		5220
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			All and the second		-	***************************************		
						LABOR	_	257.42
				1		ADDITIUE	-	

37864

Memorandum

To	Henry P. Wehrenberg, Chairman, Board of Works Date May 13, 1976
	Phil Bollor Chief W.P.C. Engineering
	Phil Boller, Chief, W.P.C. Engineering
Subject	Sherman Street Underpass Modification, Res. 5689-1975, B.O. 56-74 Penn-Central Billing No. C31105010
545,111	Penn-Central Billing No. C31105010

COPIES TO:

#1

Attached for your approval and payment is a billing from Penn-Central Transportation Company in the amount of \$2,664.62. This represents their engineering and inspection charges incurred for subject improvement.

To make this payment the monies should be drawn from sewer relief funds.

Thilly A. Addin Philip R. Boller, Chief Water Pollution Control Engineer

/ph

H.P.W.

Hay P. Welmby P. Welmby P. Walley B. Carrier
BOARD OF

63-37-13 /1/2

Bown

A.D. 3928 R3 8-75



PENN CENTRAL TRANSPORTATION COMPANY Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees.

Recommended For Payment
Water Pollution Control Engineering Dept.
Date May 13./226 By May Ending 1

Room 715, 15 N. 32nd Street Philadelphia, Pa. 19104 Telephone: (215) 594 - 3515 File: 412 - 190802 Nov. 25, 1975

SUBJECT: Ft. Wayne Board of Public Works

BILL NO.

DATE

AMOUNT

C3/105010

10/14/75

\$2,664.62

Ft. Wayne Board of Public Works City County Bldg. One Main St.

Ft. Wayne, Ind. 46802

Attn: Dr. J. D. Boswell, Chairman

Dear Sir:

This is to direct your attention to the above listed charges which are presently outstanding in excess of the allotted period for payment.

Will you please arrange for prompt payment of the outstanding

If your review of the charges has developed discrepancies, it is requested that charges be paid on a corrected basis with explanation to accompany your remittance.

In the event your records indicate that our bills have been paid, will you please advise as to date of payment and to where it was directed. This information will enable us to investigate to insure proper credit to your account.

Your cooperation in bringing these unsettled charges to a conclusion will be appreciated.

Very truly yours,

R.H. Schaeffer

Collection Manager

YOUR PAYMENT TO BE DIRECTED TO:

P.O. Box 8500, S-1530 Philadelphia, Pa. 19178

A.P.

42332 (Formarly 57535) Docket No. 34895

1

2,564,62

Ft. Vayue Board of Pub. Works City- County Bldg. one Haina St. Fort Vayne, Indiano 46502 Attu: Dr. J. D. Boswell, Chairmen

(100802) ** Fed Ident # 23-6000765

C3/105010

231.87

Service Month June 74- July 75. Project Description: Fort Wayne , Ind. - Remove Sharman St. undergrade bridge \$ 0.39 lower track and install grade crossing with automatic protection.

The records supporting the charges in this bill are located in the Office of Supervisor of Public Billing, 30th St. Station, Philadelphia, Pa.

Partial 9 1

Clerri	button	1	
99000		640353	2,184.53
97790	952	552931	38.81
99000		754031	84,28
50010	952	552031	755.40
50019	952	201300	71.60
2002			2,564,62

Note: All charges listed below are from billing supporting detail unless marked omitted or added. Gaitted charges are on attached work sheets.

Surmary of Charges

June 1974

Labor (Onitted) Forincering Dept. Additive Total June 1974	19.19 2.33	36,43

July 1974 Labor (Cuitted)

Engineering Dapt.	90.52	
Additiva Total July 1974	41.62	132,14

August 1974 Travel & Business Espanses	(Added)		
Engineering Dept. Total August 1974			151.06

April 1975

talam (Confeens)

Insingering Dept.	39.61	
Additive	40.83	130.44
Total 6pril 1975		730,44

Hay 1975

Labor (Dairted)	
Engineering Dept.	159,30
	72,57
Additive	

(190802) ** Fed Ident # 23-6000765

42332 (Pormerly 57535) Docket No. 34095

Ft. Wayne Roard of Pub. Works Page 2

June 1975

c3/105016

Labor (Geitted)		429.13	1.2	4	
Additive		195.34	of A		
Total Labor				524,49	
TOTAL LABOR					
Travel & Bus. Expenses (Added)				159.09	
Engineering Dept.				433443	783.58
Total June 1975					123430
July 1975					
Labor					
Engineering Dept.		116.51			
Additive		53.27	149.78		
Marrage					
(reitted)		100 51			
Engineering Dept.		109.51	139.31		
Addition		49.80	137-34		
Track Dapt.		442.83			
Additive		203,93	545.56	- :	
Vildician					
Comm & Simual Rept.		55,20			
Additiva		23,37	00.73	1,056.48	
Wetal Labor				E*030*##	
Travel A Bus, Expense (Added)					
Carinsoring Deut.				152.62	
Total July					1,209,10
					2,664.62
Total of Bill					
Susmary of Charges					
	MP	Laber	Naterial	143	Equip.
Topinaerina		1,474.45		462.77	
Track		645.66			
Comm. & Signal		30.73		462.77	-
		2,291,85		492.11	
Department Totals					
		1 007 22			
nviserrinz		1,937.23			
Track					
Commutestion & Ficasi		30.73			
		2,664.62			

BYLL # /	ACCING. MO	JUNE 74	DEP	r. & RESP. #	Engr	. 50010	W.O.#	42332
EMPLOYEE # DM7E			S/T	THUOMA	<u>0/T</u>	AMOUNT		TOTAL AMOUNT
445084 6/17			2	18.10	Security 1999			18.10
*		Annual contractions	-		-			
		Autoritation	**********					
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	***************************************				Annual section 1			
		\	\			LABOR		18.10
						ADDITIVE		8.33

BILL #	ACCTNG: MO	JULY 74	DEPT. & RESP. #_	Engr 50010	W.O.# 42332	
EMPLOYEE # DATE	OCCUPATION	RATE	S/T AMOUNT	O/T AMOUNT	TOTAL AMOUNT	
EMPLOYEE #) 475 44.5084 1/22 1/25	Ergs.	1525 -	2 18.11			
		1575.°°	8 72.41		72.41	
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			Management American A	Annual Control of Control	,	
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-		-	-	females environment of the second		
		\		LABOR	90.52	
			1	ADDITIVE	41.62	9/3%

BILL #	ACCTNG. MO. //	PRR. 75	DEPT	. & RESP. #	Engr	50010	W.O.#	42332
EMPLOYEE # DATE	OCCUPATION	RATE	S/T	AMOUNT	<u>0/T</u>	AMOUNT	-1-	TOTAL AMOUNT
EMPLOYEE # DATE 44508.4 4/24	- gr. Cev. Engr.	1575-00	_2	18.10	LONGERO	-		18.10
1, 4/16		1575.00	4	36.21				36.21
4/14		157500	_3_	27.15				27.15
•					*******			
Plus Retro-a	ctive Haz	a adjusto	- nent	-10%				8.15
	-		************					
	-	***************************************		-	-			
		Contract to the contract of th	-		***************************************			
	,		***************************************			Entertainment de Africa		
		-						
00	(Actual Conference of the Conf							
			-			LABOR		89.61
		,				ADDITIVE		40.83

		n / -		S		1111111
BILL #	ACCTNG. MO/	MAY 75	DEPT. & RESP. #	Engr 50010	_ w.o.#	47332
		RATE	S/T AMOUNT	O/T AMOUNT		TOTAL AMOUNT
445084 57	129 Ems.	157500	8 13.41	-		72.41
1/ 5/	129 Engs	157500	8 72.41	-		72.41
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		-				
Plus 10% t.	etro-active	læge Aegje	atment_			14.48
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		\		LABOR		15930
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ADDITIVE

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BILL #	ACCING. MG	JUNE 75	DEP	r. & RESP.	* Engs	50010	W.O.#	42332	
EMPLOYEE # DATE	OCCUPATION	RATE	S/T	AMOUNT	<u>0/T</u>	AMOUNT	÷	TOTAL AMOUNT	
445084 4/13	Sr. Cen.	157500	_6	5431				54.31	
6/12			6	5431	-			<u>54.31</u>	
6/11	- /,			72.41				72.41	
. 6/23		1732.50	3	29-88	-			29.88	
6/20		4	8	29.66				79.66	•
. 6/18		1	2	19.91				19.91	
" 6/27	- //		8	<u> 79.66</u>				79.66	
Plus 10% Re	bro active	Herge adje	ustrae	<u>t</u>				39.01	
-	*								
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	Constitution of the Consti			•	distribution.				
		'	\			LABOR		429.15	
						ADDITIVE		195.34	624,49

PE2 [33	CIVERES	JULY 1975					BILLI	NG \$JP>DQI	ING DETA	IL.		3 5.	15344 - [1124]	
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DEPARIMEN	L ENGINEER	ING												
		N TRAIN & ENGINE												
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07/24/7	5 635385	ENGR/INSP ENGR/INSP	1379.65	3523	FIELD	INSPE	TORS C	31.71	4.) .3	3	. 0	31.71	
07/29/7	5 635385	ENGR/INSP	1379.65	3523	FIELD	INSPE	TORS (31.72	4.	0 .0	00	•0	31.7	
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										1	DTAL	DEOL	157.75	
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_07/17/7	5425989	SECT FIRMY	1353-03	2232.	TRK L	AYINGES	JPF 3	45.22	B.	o c	0	0	15.22	
07/22/7	5 425789	SECT FIRMS	1363-03	2 203	LSK I	AVINCES	196 3	45.22	8.	3 .0	0	• 3	13.22	
01/23/1	9 4/2/8/	SELI FARMA	1063.03	2222	TRKL	AYINGES	JRF 3	45.22	8.	3 -0	2	3		
07/25/1	425989	SECT FORMY	_1263.03_	_2223_	_T3<_L	AYINGES	JRF 3	45.22	8.	3	5	·>-	+3.22	
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01/31/1	252338	SIGNALAAN	>-520	2512	41.4	II WAY XI	V3 3	55.20	10.				55.23	
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										т	JIAL	PROJECT	897.17	.

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BILL #	ACCTNG. MO. TUCY	75 DEPT. & RESP. #	Engs. 50010	_ W.O.#	42332	
EMPLOYEE # DATE	OCCUPATION RATE	S/T AMOUNT	O/T AMOUNT		TOTAL AMOUNT	
445-08.4 1/29	Sr. Cir. 1732.5	= 2 19.91			19.91	
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November 22, 1976 Room 715, 15 N. 32nd Street Philadelphia, Pa. 19104 Telephone: (215) 594-3515 File: 417-190802

SUBJECT: City of Fort Wayne - PC Invoice

BILL NO. C3/O56025 DATE 5/27/76

Henry P. Wehrenberg Chairman - Board of Public Works Room 920 City County Bldg. Fort Wayne, Ind. 46802

Dear Mr. Wehrenberg:

Please make reference to your records covering recovery of costs in connection with the removal of Sherman Street Undergrade Bridge .59 to lower track and the installation of a grade crossing automatic protection.

To date our records indicate that this item is still open for the full amount. Quite possibly your original copy could have inadverently been misplaced, thus preventing your processing. Therefore, enclosed please find a copy of the original invoice.

Upon receipt and subsequent review and due to the age of this matter, we will expect your remittance within 30 days thereafter. If for some reason this request is not complied with, your immediate advisement will be expected.

Thank you for your anticipated cooperation.

Very truly yours,

K. J. Sitkowski Collection Manager

ERL:dc



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802
william n. salin. city attorney

July 27, 1976

Mr. Henry P. Wehrenberg Chairman, Board of Works City of Fort Wayne 9th Floor, City-County Bldg. Fort Wayne, Indiana 46802

> Re: Sherman Street Underpass Modification, Res. 5689-1975, B.O. 56-74 Penn-Central Billing Number C3/105010 Penn-Central Billing Number C3/056025

Dear Mr. Wehrenberg:

This letter is in response to an inquiry submitted to the Law Department of the City of Fort Wayne relative to the payment of engineering and inspection charges incurred on the improvements of the Sherman Street underpass. Specifically, we were asked to express an opinion on whether the City could off-set monies due Consolidated Rail Corporation for unpaid taxes owed by the Penn Central Railroad and/or Penn Central Transportation Company.

The engineering and inspection charges, totaling \$11,467.65, were incurred with the Penn Central Transportation Company. It appears that the Consolidated Rail Corporation is attempting to collect the monies due. The Consolidated Rail Corporation is a governmental corporation which was created as an operating company on behalf of the estate/trustees of Penn Central Transportation Company. Generally speaking, the liabilities of the Penn Central Transportation Company would not be liabilities of Consolidated Rail Corporation, although, conceivably, there may be specific obligations that ConRail assumed or is responsible for on behalf of the estate and its trustees. Whether this would include delinquent taxes is a matter that would require further investigation. It is doubtful, however, whether ConRail has even taken over all of the assets formerly controlled by Penn Central Transporation Company, i.e., right-of-ways, etc.



Mr. Henry P. Wehrenberg July 27, 1976 Page Two

If efforts were to be initiated to collect delinquent taxes due and owing Allen County, this would fall to the appropriate governmental agencies of Allen County and particularly, its County Treasurer. For your information, the County Attorney has, on behalf of the County Treasurer, attempted to collect all unpaid taxes from Penn Central but has been enjoined by the Federal Court in Philadelphia from proceeding with tax sales, etc. Therefore, the City of Fort Wayne would have no legal basis to withhold payment of the charges incurred. As a matter of fact, the City was ordered by the Public Service Commission of Indiana to bear the entire cost of construction of this project and this would necessarily include engineering and inspection of the railroad crossing.

Therefore, it would be our opinion that the City would be responsible for payment of charges due and owing Consolidated Rail Corporation, totaling \$11,467.65, and that no off-set could be made for taxes due and owing Allen County by a governmental corporation on behalf of the estate/trustees of a private corporation.

Very truly yours,

CITY OF FORT WAYNE William N. Salin, City Attorney

Kenneth L. Scrogham
Associate City Attorney

cmm

cc: John H. Logan, Esq.
Harry W. Scott, County Attorney



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802
william n. salin. city attorney

July 27, 1976

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CITY OF FORT WAYNE William N. Salin, City Attorney

Kenneth L. Scrogham Associate City Attorney

cmm

John H. Logan, Esq. Harry W. Scott, County Attorney



City Clerk Memorandum CHARLES W. WESTERMAN. Clerk

To Henry	P. Wehrenberg - Board of Works Chairman	Date1-12-77
From	Charles W. Westerman - City Clerk	
Subject	Regarding Bill No. S-76-07-18	

COPIES TO:

BILL NO. S-76-07-18

AN ORDINANCE approving contracts with Consolidated Rail Corporation for the Board of Public Works

At the Common Council Committee Session of January 11, 1977, this ordinance was returned to our "Hold File". Some members of the Council suggested the railroad pay their past due bill to the city before they take any action regarding the above bill.

If there is any questions about council's decision please contact Mr. Fred Hunter or Mr. Don Schmidt.



TITLE OF ORDINANCE City Purchase Orders 3-32892 and 3-32917
DEPARTMENT PERCESTING ORDINANCE Board of Public Works
J-76-07-18
SYNOPSIS OF ORDINANCE Purchase Orders to Consolidated Rail Corporation (Penn-Centra
Railroad) in amounts of \$2,664.62 and \$8,803.03 cover costs incurred in
connection with the Sherman Boulevard Underpass Modification. These were in
addition to the construction contract done under Board Resolution 5689-1975.
City is responsible for all costs involving the construction as ordered by
by the Public Service Commission (document attached).
(See Invoices Attached)
EFFECT OF PASSAGE Final payment in connection with project.
EFFECT OF : 10: -PASSAGEFailure to pay all project costs as directed by Public
Service Commission.
OELVICE COMMITSSION
MONEY INMOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$11,467.65 cost to be paid
from Sewer Relief Fund
ASSIGNED TO COMMITTEE LIVE WKS OFF